

# **BOARD OF DESIGN REVIEW MINUTES**

**August 9, 2001**

**CALL TO ORDER:** Chairman Walter Lemon III called the meeting to order at 6:31 p.m. in Meeting Room "A" of the Beaverton Public Library at 12375 SW Fifth Street.

**ROLL CALL:** Present were Chairman Walter Lemon III; Board Members Hal Beighley, Anissa Crane, Monty Edberg, Ronald Nardoza, Ashetra Prentice and Stewart Straus.

Senior Planner John Osterberg, Associate Planner Scott Whyte, Associate Planner Tyler Ryerson, Project Engineer Joel Howie and Recording Secretary Sandra Pearson represented staff.

## **VISITORS:**

Chairman Lemon read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

## **OLD BUSINESS:**

### **CONTINUANCES:**

Chairman Lemon opened the Public Hearing and read the format of the meeting. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

### **A. BDR 2000-0212: FANNO CREEK MULTI-USE PATH**

*(Continued from April 26, 2001)*

This proposal to extend the Fanno Creek bikeway system from Denney Road north to Allen Boulevard regarding the overall design of this request includes the path layout, bridge design, landscaping, viewing areas, and interpretive signing locations. The development proposal is located at between SW Allen Boulevard and SW 105<sup>th</sup> Avenue; Washington County Assessor's Map 1S1-22AA on Tax Lots 100, 200, 300, 400, 500 and on Map 1S1-22AD on Tax Lot 1900. The

affected parcels are zoned Community Service (CS) and are approximately a total of 23 acres in size. The decision for action shall be based upon the approval criteria listed in Section 40.10.15.3.C.

**B. TPP 2000-0003: FANNO CREEK MULTI-USE PATH TREE PRESERVATION PLAN**

*(Continued from April 26, 2001)*

The applicant requests Tree Preservation Plan approval to remove trees within an area identified as a “significant grove” on Beaverton’s Inventory of Significant Trees. The Tree Preservation Plan is proposed with this project to evaluate removal and impact to existing trees as a result of the path construction and bridge construction over Fanno Creek and the adjacent floodplain. The development proposal is located between SW Allen Boulevard and SW 105<sup>th</sup> Avenue; Washington County Assessor’s Map 1S1-22AA, Tax Lots 100, 200, 300, 400, 500 and Map 1S1-22AD, Tax Lot 1900. The affected parcels are zoned Community Service (CS) and are approximately a total of 23 acres in size. The decision for action shall be based upon the approval criteria identified in Section 40.75.

Observing that he would be presenting both Staff Reports simultaneously, Associate Planner Tyler Ryerson emphasized that this hearing involves two separate decisions with two separate motions for approval or denial. He described the applications for both the Design Review and Tree Preservation Plan relating to the extension of the Fanno Creek Multi-Use Path from SW Denney Road north to SW Allen Boulevard, and discussed the preservation and removal of specific trees within the subject site. He described the overall design of the development and related Conditions of Approval, including the path layout, bridge design, landscaping, viewing areas and interpretive signing locations, as well as the evaluation of the removal of up to 23 trees within the bridge span, in order to allow for this development. He discussed the historic value and significance of the area, noting that approximately 50 trees and 75 shrubs would be planted within the construction easement. He described the proposed steel truss bridge, observing that the elevations are shown on illustrations and throughout the packet. He mentioned that the material used on the bridge is a tropical hardwood that does not require special treatment to prevent possible leakage into Fanno Creek. Concluding, he recommended approval of both applications, and offered to respond to questions and comments.

**APPLICANT:**

**JOEL HOWIE**, Project Engineer for the City of Beaverton, introduced John Ferguson, the Project Manager representing *David Evans & Associates*, who is also a structural engineer. He pointed out that the proposed multi-use path fills a gap in the Fanno Creek Trail System, as identified in Tualatin Hills Park & Recreation District (THPRD) Master Plan, the City of Beaverton’s Transportation Systems Plan, and the bicycle action plan. He stated that the corridor of the

multi-use plan and the corridor of Allen Boulevard and Denney Road are also being considered as a transportation corridor, noting that there is not currently an ideal connection for bicyclists between Allen Boulevard and Denney Road. He mentioned that due to historical flooding in the area and potential ill will, the City formed a Project Advisory Committee approximately two years ago, composed of adjacent business owners, a member of the Bike Task Force, adjacent residents, and representatives of *The Pepper Tree* and *The Greenwood Inn*. He observed that three or four advisory meetings had resulted in the proposal under consideration at this time. He referred to a letter attached to the Facilities Review Findings, observing that he would also distribute copies of a letter submitted by THPRD.

**JOHN FERGUSON**, Project Manager for the consulting firm *David Evans & Associates*, described the location of the proposed development, observing that the project would remove and replace the existing path, which is in a state of disrepair. He discussed the route of the proposed path, observing that in order to facilitate the elevation for the proposed bridge, certain portions of the path would require replacement. He mentioned that interpretive signings, describing the vegetation and wildlife inhabiting the area, have been proposed as an amenity for those individuals viewing the wetland area. He described the proposed two-span bridge structure and decking, including the “maintenance friendly” materials, to be used in this portion of the proposal. Concluding, he offered to respond to any questions or comments.

Chairman Lemon referred to a previous issue with the existing path, observing that a portion of this path travels through the property of the *Greenwood Inn*. He mentioned that while this had been a concern of the Board in the past, he has not noticed any particular problems with pedestrian and bicycle safety at this location. He expressed concern that further activity on this path could potentially create unanticipated problems.

Mr. Howie expressed his opinion that adequate signage has been approved within the area and the *Greenwood Inn* parking lot to address any concerns.

Chairman Lemon questioned whether the pilings within the wetlands are either concrete or pile driven, and Mr. Howie assured him that they are.

Mr. Ferguson indicated the location of the pilings on an illustration and discussed this issue, noting that these steel pipe piles which would be driven and surrounded with a concrete encasement and column extending up to the superstructure. He emphasized that the proposal would be outside of the boundaries of the two-year flood plan and that no significant environmental impact is anticipated.

Ms. Crane questioned the length of the proposed six-foot fence along Highway 217 and how near this fence is to the pathway.

Mr. Ferguson referred to Sheet No. 2 of the plans and advised Ms. Crane that the length of the chain link fence would be approximately 600 feet. He described efforts to create a path that was wide enough for people to enjoy and while keeping them out of the drainage ditch.

On question, Mr. Howie informed Ms. Crane that the six-foot fence had been proposed due to ODOT's concerns that some individuals could potentially jump over a four-foot fence onto the freeway lanes.

Ms. Prentice pointed out that while the tree removal plan indicates that only seven trees would be removed, the proposal provides for the removal of 23 trees.

Mr. Howie advised Ms. Prentice that some of the trees indicated on the tree removal plan are actually clusters of trees, observing that one cluster could easily represent several trees.

#### **PUBLIC TESTIMONY:**

On question, no member of the public appeared to testify regarding these applications.

On question, staff had no further comments at this time.

The public portion of the Public Hearing was closed.

Mr. Straus **MOVED** and Mr. Beighley **SECONDED** a motion for the approval of BDR 2000-0212 – Fanno Creek Multi-Use Path Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated August 2, 2001, including recommended Conditions of Approval Nos. 1 through 11.

The question was called and the motion **CARRIED**, unanimously.

Mr. Straus **MOVED** and Mr. Beighley **SECONDED** a motion for the approval of TPP 2000-0003 – Fanno Creek Multi-Use Path Tree Preservation Plan, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated August 2, 2001, including recommended Conditions of Approval Nos. 1 and 2.

The question was called and the motion **CARRIED**, unanimously.

7:03 p.m. – Mr. Ryerson left.

**NEW BUSINESS:****PUBLIC HEARINGS:****A. BDR 2001-0069 -- CONNOR COMMONS 45 UNIT TOWNHOMES TYPE 3 DESIGN REVIEW**

The following land use application has been submitted for Design Review approval a 45-unit town home development, including associated streets, sidewalks, landscaping, lighting, parking and a portion of a bicycle path within the Bonneville Power right-of-way. The development proposal is located north of Walker Road, east of 150th Avenue, west of the Bonneville Power Administration right-of-way, and south of Surrey Court; Washington County Assessor's Map 1S1-05AD on Tax Lot's 5905 and 6000. The site is zoned Urban Medium Density (R-2) and is approximately 3.62 acres in size. The decision for action shall be based upon the approval criteria listed in Section 40.10.15.3.C.

Associate Planner Scott Whyte presented the Staff Report and described the proposed development, observing that there is also an administrative application for a subdivision associated with this application. He noted that while the Planning Director has not yet rendered a decision on this administrative application, no major concerns have been identified with that proposal. He mentioned several correspondences that have been received, including a letter from Nicholas Coco, dated July 16, 2001; a letter from Kenneth Randall, dated July 23, 2001; handwritten comments received from Roy Scheiers, dated July 17, 2001; a letter with attachments and photos from Mason and Sharon Van Buren; letter from Pat Russell, dated August 3, 2001; and a letter prepared by the applicant's landscape architect, dated July 1, 2001.

Mr. Whyte described the existing site, comprised of approximately 3.57 acres, observing that it consists of two single-family homes, accessory structures and trees, many of which are mature. He pointed out that while the site is primarily flat, there is a slight downward slope to the south, adding that no historic or natural resources have been identified. He mentioned that this site has been annexed into the City within the last year and subsequently rezoned, adding that no significant resources were designated on County plan, either.

Mr. Whyte referred to the site plan, which indicates the locations of the proposed buildings and proposed private streets and commonly owned landscape tracts that would be maintained by the Homeowner's Association. He described the elevations of the units, the shingle-type vinyl siding, and the composition asphalt shingles that have been proposed for the roof, and provided a colored sample board. With respect to the design of the building, he noted that staff believes that some type of design variation is possible for the street side yard elevations proposed for Units 1 and 45, as indicated on the plan, observing that these revisions are not recommended within the Conditions of Approval, as proposed.

Mr. Whyte referred to the proposed landscape plan, indicated on Sheets L-1 and L-2 of the plan set. He mentioned a note on Sheet L-1, indicating that the tree and shrub under story on the adjacent property along the roadside are not to be disturbed, which corresponds with the planned street connection to SW 150<sup>th</sup> Avenue. He pointed out that the applicant would provide a full street improvement with a curb and sidewalks on both sides throughout most of the project, although due to the close proximity to 150<sup>th</sup> Avenue, landscaping and sidewalks are limited to only one side.

Observing that there is some question regarding the property to the north, Mr. Whyte indicated that this property abuts 150<sup>th</sup> Avenue and that staff believes that there might be some potential for that property to be developed at some point in the future, subject to further review. Because of this potential for development, staff supports the applicant's plan for full street improvements, minus the sidewalk and landscaping on the north side of the street to the limits indicated on this plan. He referred to Sheet L-2, he discussed the existing and proposed vegetation and landscaping within the rear yards of the proposed townhome units, observing that most of the trees and a great deal of the vegetation on the site would be removed. He pointed out that in order to insure a consistent type of maintenance, it might be more feasible to locate landscaping within some type of a common open space tract or within an easement. He discussed the building setbacks for the units, observing that this would create a long, narrow tract, which might not be very practical for maintenance by a Homeowner's Association. He mentioned that a high fence had been considered as providing the most potentially practical and effective method of screening. Although no fencing is proposed, staff believes that some type of perimeter fencing would be appropriate.

Mr. Whyte referred to page 9 of the Staff Report, which lists the design standards for approval. He pointed out that under criterion "A", staff believes that further consideration should be given to the landscape plan for privacy purposes, as well as visual screening for the properties located to the north. He emphasized that staff believes that the proposed site design, combined with the proposed 15 to 20 foot rear yard setbacks for the individual units, in addition to the attached two-story building elevation, necessitates some type of visual screening. He pointed out that the applicant's proposal for the visual screening does not appear to be adequate. He discussed the existing trees, noting that most of the trees on the site require removal due to location of proposed buildings, roads and other improvements necessitated by the development.

Mr. Whyte described several letters attached to the Staff Report, noting that although the application meets most of the criteria for approval, staff recommends denial of the application, without prejudice, with respect to Criterion "A" and "G". He suggested that the applicant could request a continuance in order to allow them adequate time to address these specific concerns, adding that such a request needs to be accompanied by a waiver of the 120-day rule. Concluding, he

mentioned an alternative recommendation for approval, as provided on page 14 of the Staff Report, which lists several Conditions of Approval.

Ms. Crane questioned the minimum units required for the density at the site.

Mr. Whyte advised Ms. Crane that while he is not certain of the minimum density is at this time, the maximum density is actually significantly greater than what has been proposed. He pointed out that in approving a zone change for this site, the City Council had actually imposed a limit of 45 units, although the actual zoning allows for a greater density.

Mr. Straus questioned the density of this area under the prior zoning.

Senior Planner John Osterberg informed Mr. Straus that because he did not bring the old Staff Report, while he knows this was a single-family zoning designation, he is not certain of the previous county density designation.

Mr. Straus requested clarification of the size of the subject parcel.

Mr. Osterberg noted that the subject parcel is approximately 3.6 acres.

Mr. Straus pointed out that the new zoning designation could effectively more than double the amount of units from the original zoning designation.

Mr. Osterberg commented that Mr. Straus' observation sounds accurate.

**APPLICANT:**

**KIRSTEN VanLOO**, Principal Planner representing *CES Northwest*, introduced Tony Weller, Principal Planner, Civil Engineer and Surveyor representing *CES Northwest*; Chuck Bradley, representing the design consortium proposing the development of this property; and Gretchen Vadnais, the landscape architect for this project. She submitted copies of a response to staff's concerns as indicated in the Staff Report, including a two-page written analysis of the Surrey Pines neighborhood to the north and an analysis of the compatibility of this development with that particular neighborhood. She also submitted a revised landscape plan that addresses staff's concerns, observing that the revisions to the landscape plan are limited to north property line and the west property line abutting the mostly undeveloped adjacent parcel to the west.

Mr. Lemon pointed out that the Staff Report includes certain recommendations and comments and that the applicant is proposing to submit new data at this time in response to these recommendations and comments from staff, emphasizing that the public has not had any opportunity to review or determine comments based upon any of this information.

Mr. Osterberg explained that the applicant is able to submit the information to the Board of Design Review who must determine whether this is actually new information, which must be available to the public, who has the right to provide testimony. If it is determined that this is new information, additional time might be necessary to review this new information, and it is possible for any individual to request an additional seven days for this to be accomplished. He pointed out that while the City of Beaverton would be obligated to grant such a request, tonight's Public Hearing could still be held tonight and testimony could be accepted prior to making any determination of whether additional time is necessary.

Chairman Lemon questioned the status of the 120-day rule in this particular situation.

Mr. Osterberg emphasized that the 120-day deadline is still in effect unless the applicant requests and signs a waiver for an extension.

7:32 p.m. to 7:40 p.m. – Chairman Lemon called for a recess for the purpose of reviewing the additional information provided by the applicant.

Chairman Lemon stated that he would allow testimony this evening from both the applicant and the public.

Ms. VanLoo pointed out that this application is the culmination of more than two years of efforts, observing that the original pre-application conference occurred approximately 2-1/2 years ago with the City of Beaverton staff, although the property was, at that time, unincorporated Washington County. She mentioned that the applicant has received guidance from staff throughout this entire period of time, which resulted in a Comprehensive Plan Amendment, a Zone Change, and a subsequent Design Review application for a rowhouse development. The Comprehensive Plan Amendment and Zone Change involved negotiations at the City Council level, at which point the applicant was conditioned to a maximum of 45 dwelling units on the subject site. She noted that although she has no ideal how critical this information is in tonight's decision, the property was zoned R-5 while it was in unincorporated Washington County, pointing out that this provides for five dwelling units per acre and would have allowed approximately twenty units on the subject site.

Ms. VanLoo explained that the purpose for her verbal response at this time is to clarify and document information that is available through the aerial photograph, which is part of the record, tax maps and any other data that was submitted as part of the record. She mentioned that the written document she had submitted this evening is the result of staff's desire for a concise analysis of the compatibility relationships with the Surrey Pines development to the north. She pointed out that staff had also expressed concern with the proposed landscaping along the north property line, as well as some type of screening between the two developments.



She expressed her opinion that the revisions that she had submitted are exactly what staff had requested, which was columnar trees for screening along the north property line. She mentioned that recent digital photographs clearly illustrating the existing fencing, screening and landscaping are available for review, noting that these had been taken within the last two or three business days.

Observing that tonight's application involves the Design Review of the design criteria and the design parameters for a proposed 45-unit fee-ownership townhouse development, Ms. VanLoo expressed her opinion that staff has done a wonderful job of reviewing the application. She noted that this site is very appropriate for this type of transitional housing necessary between the multi-family three-story apartments to the south and the two-story single-family detached development to the north. She explained that this development provides an ownership opportunity with a smaller unit affordable to a wide segment of the population that cannot afford the more expensive homes. She mentioned that the proposed development is located close to public transportation, shopping, schools and recreational facilities.

Ms. VanLoo explained that the project has been designed with a loop street, which she described as a very unique site issue, providing for a very narrow or constricted access point on 150<sup>th</sup> Avenue, which is a neighborhood collector street. The street is then widened back into a larger site, providing for a public street providing access to the majority of the property for the best development scenario. She mentioned that a water quality facility would be located in the southeast corner of the site, emphasizing that this facility must be located at one of the lowest points on the site and it is necessary to be able to hook this system up to an existing system or available infrastructure.

Ms. VanLoo described the design for 45 two-story townhouse units with enclosed single car garages around the parameter of this piece of property. She pointed out that a central courtyard square is proposed for the center of the property, adding that this would be a common open space with landscaping, owned by all of the homeowners and maintained by the Homeowner's Association. She discussed the original plan, which had included units in the center of the property, observing that meetings with the neighbors had indicated the necessity of providing this open space for all of the neighbors to enjoy. She described a public road that would be provided, including a forty-foot plus public right-of-way and a 28-foot curb-to-curb street improvement that meets City of Beaverton standards. She mentioned that the plan also includes two short private streets extending up to the north (148<sup>th</sup> Avenue and 149<sup>th</sup> Avenue), providing access to the northern bank of units. She clarified that these private tracts are 24-foot wide in a 30-foot tract, emphasizing that no parking would be permitted on those two short private streets. She noted that parking would be allowed on one side of the entire public right-of-way, adding that it is anticipated that the public parking would be on the north side of Connor Circle, as it enters the site, with on-street parking located around on the inside of the right-of-way as it travels around the circle. She

emphasized that the large amount of driveways provides no real opportunity for on-street parking in this area. She mentioned that the units are designed to provide a one-car garage, internal to the unit, with an additional one-car parking space within the driveway. She noted that staff's recommendations had led to some minor revisions resulting in an altered sidewalk design to be certain that there are at least 18-1/2 feet behind every sidewalk behind each unit to allow for parking of a full-sized vehicle.

Ms. VanLoo expressed her opinion that staff has done a wonderful job of reviewing the application and understanding the unique challenges created by this infill design, emphasizing that it is difficult to satisfy all of the concerns of all of the neighbors and entities involved. She mentioned that the applicant has provided for two neighborhood meetings, adding that in an attempt to understand all of the concerns of the neighbors, Chuck Bradley has attended two NAC meetings, as well. Indicated property line on illustration.

Ms. VanLoo attempted to address the specific concerns of staff relative to compatibility and impact on the Surrey Pines neighborhood to the north. Indicating the location on the map, she pointed out that the shared property line abuts five single-family residential lots, including a very small portion of a sixth lot. She noted that four of the lots include rather large two-story homes, two of these homes are within twenty feet of the shared property line, and all of the homes have a rear-yard fence, with the exception of the second home from the right. She further explained that all of the other lots along the Surrey Pines shared boundary include a cedar or wood good neighbor fence that is in very good condition. She stated that all of these homes also have significant rear-yard landscaping adjacent to that shared property line, with the exception of one that is also landscaped, but with an open back yard.

Referring to her recent site visit, Ms. VanLoo commented that the majority of the brush in the northeast corner of the site is hazel brush, blackberries, some young wild Cherry trees and some Poison Oak.

Emphasizing that compatibility is becoming more of an issue in development, Ms. VanLoo provided the dictionary definition of the word compatible, as follows: "capable of existing together in harmony; designed to work with another device or system without modification; designed to work with another subdivision or development or community without modification." She expressed her opinion that the proposed development is compatible with and can work with the Surrey Pines neighborhood to the south, as well as the Meadow Park development to the east, without necessitating any modifications to either of those developments.

Ms. VanLoo noted that the proposed development plan locates four buildings along and within 100 feet of the northern property line, pointing out that the average lot depth is 100 feet. She pointed out that she had located four existing buildings, ranging from 2800 square feet and 3600 square feet in size, within 100

feet of that property line. She explained her method for calculating the footprint of the building, emphasizing that she had not actually measured this with the tape, but had used the bulk and mass as illustrated by the aerial photograph. She mentioned that an earlier plan had included one large building located in the center of the site, just north of the circle, observing that this had consisted of six units aggregated together in one building. She pointed out that while it is cheaper to construct one six-unit building than two three-unit buildings, as a result of the meetings with the NAC and the community group, the applicant had made the conscious decision to break up the six-unit aggregation building into two three-unit buildings, including a ten-foot space between them, which is equal to the typical side yard space between two homes in a single-family subdivision. Emphasizing that this had broken up the building mass, she stated that there are now four building bulk or mass envelopes that are substantially similar to the building mass located across the fence to the north.

Ms. VanLoo pointed out that there are also four buildings on the south side where there are six buildings to the north, adding that in a single-family detached subdivision, the applicant has the opportunity to locate a storage building up to several hundred square feet in the rear yard. She clarified that as long as the building is no higher than eight feet tall, it can be located directly on the rear property line. She pointed out that while at least three of the adjacent properties have storage sheds located on their rear property line, there would be no storage sheds located in the back yards of this proposed development. She concurred with staff regarding a pyracantha hedge, expressing her opinion that this might not be the most appropriate design solution and could require more maintenance than appropriate. Concluding, she noted that the applicant has met and exceeded applicable setback requirements, and offered to respond to questions and comments.

Chairman Lemon referred to the elevation of the buildings, specifically the two outside buildings on the north property line, and observed these units consist of blank walls with no dormers or gables.

**TONY WELLER**, Principal Planner, Civil Engineer and Surveyor representing *CES Northwest*, advised Chairman Lemon that while there are no gables on these units, there is one window provided on that wall.

Chairman Lemon mentioned that his own neighborhood provides a variety of designs, expressing his opinion that these structures appear rather straight, without any real definition or characteristics.

On question, Ms. Prentice was informed that the property located to the north is located within Washington County.

Ms. Crane requested more details regarding the color scheme of the vinyl on the different buildings.

Observing that he had attempted not to be locked into specific colors, Mr. Weller indicated that the applicant had not yet determined whether the entire development would have only one color scheme or whether different color schemes would be applied to different buildings. He mentioned that the consultants had opted for a combination of vinyl and paint on the building, observing that most of the lap siding would be vinyl and the shakes on the sidewall above the bellyband would also be vinyl. He noted that the bellyband itself and all of the corner trim would be cedar, with all of the trim around the classic craftsman-style windows and doors to be painted white. He pointed out that these colors would all be indicative of the line of vinyl that would be used, adding that this is the exact same product that is being used over at *West Park*, a development that is currently under construction at the corner of Millikan Road and Tualatin Valley Highway.

Ms. Crane pointed out that several developments have different colored buildings within a group, requesting whether each building would have a different color scheme.

Mr. Weller advised Ms. Crane that this development would not duplicate the true San Francisco rowhouse with one individual color for each individual homeowner.

Ms. Crane expressed her approval of the proposed color scheme, and questioned whether there would be any variation of the color scheme among the individual units.

Mr. Weller informed Ms. Crane that the developer would probably provide a different colored front door for the individual units.

Mr. Edberg referred to the sidewalk on Connor Circle, and questioned why it comes to an abrupt stop.

**CHUCK BRADLEY**, advised Mr. Edberg that this abrupt stop to the sidewalk is partially due to the width of the right-of-way, observing that the design team had desired a wider roadway that would allow for some on-street parking. He mentioned that they had been attempting to provide for all necessary improvements, adding that with some minor grading still necessary, a sidewalk would provide for no adequate space for the necessary transition.

Chairman Lemon questioned whether there is a curb and gutter system running from that sidewalk to the west.

Mr. Bradley advised Chairman Lemon that the curbs extend all the way through and around, adding that there would be a full curb and sidewalk improvement along 150<sup>th</sup> Avenue, with transitions along the existing roadway.

Ms. VanLoo questioned whether the Board would like to view the aerial photographs at this time.

Chairman Lemon advised Ms. VanLoo that he would like to accept public testimony prior to determining whether it is necessary to view the aerial photographs.

**PUBLIC TESTIMONY:**

**MASON VanBUREN** observed that he is quite disturbed that no one has even mentioned the east side of this project, which abuts his residence. He referred to an easement across the Bonneville Power lines, observing that he is one of the few who owns property on both sides of this easement. He noted that he had been living on his property for twenty years, ever since it was farmland. Expressing his concern with vandalism, he emphasized that the residents of the proposed development need to remain within their own area, rather than on his property. He submitted color photographs of illustrations he had provided earlier, and pointed out that with Walker Road and 185<sup>th</sup> Avenue designated as one of the worst intersections in the State of Oregon, it is inevitable that there would be a traffic impact. He discussed the nature of the subject property and the transition of the trees, observing that this has served as a play area for children in the area. He suggested eliminating the necessity of extending the street and providing for a greater transition. Concluding, he expressed his appreciation for the opportunity to comment, and offered to respond to questions and comments.

**RICHARD WADE** noted that he is a resident of Washington County and expressed his concern with five feet of his property that could be eliminated from his lot.

Ms. Prentice questioned the location of Mr. Wade's home on the map.

Mr. Wade indicated the location of his property on the map.

Chairman Lemon explained that the recent annexation most likely did not include any of Mr. Wade's property, adding that the City of Beaverton has no jurisdiction over the five feet of property with which Mr. Wade is concerned without the benefit of a court hearing and condemnation procedure. He further clarified that while Mr. Wade is attempting to protect his future rights, the action by the Board in response to this matter of Design Review would not take his property. He further explained that any condemnation procedure by the City could not occur in the future without first annexing this property into the City of Beaverton.

Mr. Straus questioned whether the existing access easement crosses Mr. Wade's property, observing that this is not included within the property that is the subject of this particular application. He explained that the applicant has simply made a provision for convenient future development in the event that Mr. Wade should

decide to sell his property or it becomes annexed into the City of Beaverton. At that time, if appropriate, the sidewalk could be extended out to 150<sup>th</sup> Avenue, but only in conjunction with some type of development on Mr. Wade's property, adding that Washington County is not able to require that this sidewalk be extended. He emphasized that providing for a future possibility does not necessarily obligate anyone to follow through.

Chairman Lemon advised Mr. Wade that although he has had the opportunity to express his concerns, his property is beyond the jurisdiction of the City of Beaverton and there is nothing that the Board of Design Review can do to address his concerns at this time.

Ms. Prentice suggested that Mr. Wade might want to construct a fence to protect his property and interests.

**WILL TEMPLAR** indicated the location of his property on the illustration and expressed concern with the ten foot pedestrian walkway within the Bonneville Power Administration (BPA) right-of-way.

Chairman Lemon pointed out that Mr. Templar is referring to a walkway that runs in southeasterly direction on the east side of property, observing that while the drawing does not appear to indicate where the walkway would terminate, a note indicates that this walkway is pending BPA approval and that the applicant could probably provide more detailed information.

Mr. Templar pointed out that he is concerned with whether a fence would be provided, noting that this would encourage people to travel between two houses and through the cul-de-sac. He emphasized that some people elect to live within a cul-de-sac in order to avoid this type of traffic.

Mr. Straus observed that the applicant is not necessarily the responsible party in this situation, noting that BPA right-of-way is located within an area established by THPRD and Washington County to accommodate bike paths.

Mr. Templar advised Mr. Straus that he is the owner of the strip of property located between the two houses, adding that BPA has access to the land.

Mr. Straus requested that staff address this issue.

Mr. Osterberg pointed out that the applicant is not proposing a pathway that would encroach upon Mr. Templar's property, which includes that specific strip of land. He mentioned that historically, it had been believed that BPA owned this land, adding that there is no requirement for the applicant to locate a pathway on this strip and that they are not proposing such a pathway. He noted that the applicant is proposing a north/south path out in the middle of the BPA right-of-way, emphasizing that this would not encroach upon Mr. Templar's property.

Mr. Straus questioned the existence of a path that essentially goes nowhere.

Mr. Whyte mentioned that this is possibly a requirement for a subdivision.

Mr. Osterberg commented that the Comprehensive Plan demonstrates a desirable pedestrian pathway that would run under the BPA power lines for quite a distance, observing that this also occurs elsewhere in the City of Beaverton.

Mr. Templar questioned whether there is any assurance to prevent people from entering his property and into the cul-de-sac.

Mr. Straus observed that while it would be appropriate to provide for the potential connection at some future point, it would also be appropriate to provide for fencing and a locked gate until that occurs.

Mr. Templar pointed out that he does use this strip of land, as well as a portion of BPA's property, adding that he maintains this portion for them.

**CORY ROBERTS** indicated the location of his home on the map, adding that he had been concerned with the possibility that some sort of walkway would be located within their cul-de-sac, emphasizing that privacy had been the main issue. He expressed his agreement with Mr. Straus, adding that a fence would provide a temporary solution to the problem until future development occurs. He noted that as a Portland police officer, he would like to prevent the vandalism and graffiti that seems to occur in such an area.

**RODGER CUTLER** stated that as another resident of the cul-de-sac, because the situation has obviously changed, he is no longer concerned with the proposed footpath. He expressed his opinion that if this were to occur, it would constitute an attractive nuisance and a fire hazard, and encouraged the installment of a fence along the east side of the property line to discourage people from encroaching into the BPA area.

#### **APPLICANT REBUTTAL:**

Ms. VanLoo submitted her aerial photographs of the subject site and the surrounding area.

9:00 p.m. to 9:07 p.m. – Chairman Lemon called for a break to allow for a review of Ms. VanLoo's aerial photographs.

Ms. VanLoo assured them Mr. Templar, Mr. Cutler and Mr. Roberts that the applicant has never proposed a connection to the subdivision to the east, adding that these plans had been revised as soon as it was determined, at the culmination of the Comprehensive Plan/Zone Change Process, that there was no legal public access. She mentioned that the applicant had proposed, at staff's

recommendation, an extension of the access into the BPA right-of-way, adding that they had actually contacted THPRD, who attempts to create active and passive recreation opportunities whenever possible. She pointed out that the applicant would prefer to eliminate the pedestrian path, if possible. She referred to Mr. Wade's concerns, emphasizing that the applicant is making every attempt to have as little as possible impact on his property. She mentioned Mr. VanBuren's concerns, noting that fencing has not been proposed in this area and that the other developments have not provided fencing in this area, either. She pointed out that the BPA does not normally provide fencing around this area, which provides passive recreation opportunities. Concluding, she expressed her opinion that the proposal is compatible with the surrounding neighborhood, addresses the issues of both bulk and height, and offered to respond to any questions or comments.

Chairman Lemon referred to the earlier plan to utilize the middle island for units, noting that this had been revised for use as a common area, and questioned the possibility of returning to the original plan of locating units in this central area.

Ms. VanLoo mentioned that during the two neighborhood meetings, the majority of those who expressed their opinion preferred to utilize this central area as the public open space. She discussed the preservation of certain trees, emphasizing that every reasonable effort would be made to preserve the firs located along the east property line.

Referring to the landscape plan, Mr. Beighley suggested that the pyracantha should be eliminated and trees added in the back yards of the units in order to compliment the vertical height and bring the units more into scale.

Ms. VanLoo requested that Mr. Beighley's suggestion be included as a Condition of Approval.

Mr. Beighley advised Ms. VanLoo that this Condition of Approval would not be a problem.

**GRETCHEN VADNAIS**, Landscape Architect for the applicant, identified and described the trees, specifically which would be preserved and removed from the site.

Mr. Bradley discussed the tree root systems and potential for preserving the trees, noting that the most easterly tree is a 10-inch pine.

On question, staff had no further comments at this time.

The public portion of the Public Hearing was closed.



Ms. Crane referred to Ms. VanLoo's statement regarding the BPA easement, emphasizing that this property actually belongs to Mr. VanBuren, and expressed her opinion that some fencing should be considered.

Mr. Edberg concurred with Ms. Crane's suggestion for fencing along the property line.

Mr. Straus observed that he is not certain whether fencing along the BPA right-of-way is advisable.

Ms. VanLoo pointed out that some of the fencing already exists and that more would be installed.

Chairman Lemon pointed out that he is not in favor of making any improvements on property that he referred to as borderline, between County and City.

Mr. Straus suggested cutting the sidewalk back to align with the adjoining property line.

Mr. Straus **MOVED** and Beighley **SECONDED** a motion for the approval of BDR 2001-0069 – Connor Commons 45-Unit Townhomes Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated August 2, 2001, including recommended Conditions of Approval Nos. 1 through 13, and additional Conditions of Approval, as follows:

14. Good neighbor style fencing is to be provided at the north property line where not currently installed, along the east property line except for adjacent to the Bonneville Power Administration (BPA) right-of-way, and along the west property line abutting Tax Lot 5900 where not currently installed;
15. The applicant shall delete the pedestrian path shown in the BPA right of way, terminate the pedestrian path approximately five feet inside the property line, and continue the landscaping along the property line, similar to the adjoining areas.
16. The applicant shall add two windows at the end of the exterior walls of Units 1, 18, 19, 24, 25, 32, 33, 38, 39 and 45, where shown, to match the window design character at the front or rear elevation of the buildings.
17. The applicant shall delete the sidewalk along the north side of SW Conner Circle, west of the property line shared with Tax Lot 5900.

18. The applicant shall delete the pyracantha typically at the rear yards and add one tree from the approved plant list on the revised landscape plan "Exhibit A" for each back yard. In addition, the applicant shall provide two trees at the north side of Unit 32 and two trees at the north side of Unit 39 where shown.

Ms. Prentice stated that she would like to see the fence actually added on to the BPA right-of-way.

Observing that it appears that the Board is providing for only a half a fence, Mr. Edberg expressed his opinion that there should be either an entire fence or no fence.

Mr. Straus explained that there is a reason for what Mr. Edberg refers to as a half a fence, noting that this particular section at the north end is abutting an adjoining private property, while the other section is essentially a right-of-way.

Chairman Lemon expressed his agreement with the motion maker, observing that while there would be no kite flying within the BPA right-of-way, it should remain somewhat accessible. Chairman Lemon requested a poll of the Board to determine whether the motion should be amended to provide for fencing along the entire area failed by the following roll call vote:

Ayes: Beighley  
Edberg  
Prentice

Nays: Crane  
Lemon  
Nardoza  
Straus

Chairman Lemon declared the proposed amendment to the motion **DEFEATED**.

The question was called and the original motion, as amended, **CARRIED**, unanimously.

Chairman Lemon pointed out that the By-Laws provide that no new items shall be introduced after 10:00 p.m. and that the meeting would adjourn by 11:00 p.m.

Mr. Beighley **MOVED** and Mr. Straus **SECONDED** a motion to continue the agenda items after 10:00 p.m.

The question was called and the motion **CARRIED**, unanimously.

**B. SW CENTER, SW 113TH, SW CABOT & SW 110TH SIDEWALK & BIKE IMPROVEMENTS**

The following land use applications have been submitted for the bike lane and sidewalk improvements on Center Street, 113th Avenue, Cabot Street, and 110th Avenue.

**1. BDR 2001-0084: Type 3 Design Review**

This request for Design Review approval for the addition of bike lanes and sidewalks on both sides of Center Street includes a request to add bike lanes on both sides of 113th Avenue, Cabot Street, and 110th Avenue, sidewalks on the north side of Cabot Street, and sidewalks on the east side of 110th Avenue. The decision for action shall be based upon the approval criteria listed in Section 40.10.15.3.C.

**2. TPP 2001-0004: Tree Preservation Plan**

This request is for the Tree Preservation Plan (TPP) for the protection of trees affected by the street improvement project. The decision for action shall be based upon the approval criteria listed in Section 40.10.15.3.C.

Mr. Whyte presented the Staff Reports, both dated August 2, 2001, and briefly described the applications. Concluding, he recommended approval of both applications and offered to respond to any questions or comments.

**APPLICANT:**

Mr. Howie referred to the proposal as the City of Beaverton's attempt to fill in any gaps in the existing system. Observing that this is another retrofit project, he indicated the location of the improvements and described the proposal and what would be accomplished.

Chairman Lemon requested clarification that all property to be used would be from existing right-of-way and that there would be no encroachment onto any private property.

Mr. Howie advised Chairman Lemon that this is basically correct, with the exception of the two properties on the south side of Center Street, adding that the necessary right-of-way, approximately five feet in width, has been acquired.

**PUBLIC TESTIMONY:**

**KATHRYN IVERSON** expressed her opposition to bicycle lanes in general, adding that she would like to see them all abolished.

**APPLICANT REBUTTAL:**

Mr. Howie responded to Ms. Iverson's comments, observing that the City of Beaverton's philosophy encourages bike lanes and feels that a lane separate from the line of traffic provides for a safer situation.

On question, staff had no further comments at this time.

The public portion of the Public Hearing was closed.

Mr. Straus **MOVED** and Mr. Beighley **SECONDED** a motion for the approval of BDR 2001-0084 –Center, 113<sup>th</sup>, Cabot & 110<sup>th</sup> Sidewalk & Bike Improvements Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated August 2, 2001, including recommended Conditions of Approval Nos. 1 through 5., plus an additional Condition of Approval, as follows:

6. Signage shall be added at the end of the bike lane to notify bike riders and drivers of that condition.

The question was called and the motion **CARRIED**, unanimously.

Mr. Straus **MOVED** and Mr. Beighley **SECONDED** a motion for the approval of TPP 2001-0004 – Center, 113<sup>th</sup>, Cabot & 110<sup>th</sup> Sidewalk & Bike Improvements Tree Preservation Plan, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated August 2, 2001, including recommended Conditions of Approval Nos. 1 through 3.

The question was called and the motion **CARRIED**, unanimously.

**C. SOUTHRIDGE HIGH SCHOOL SOFTBALL FIELDS MODIFICATIONS**

The following land use applications have been submitted for the modification of the two existing softball fields. The development proposal is located at 9625 SW 125th Avenue; Washington County Assessor's Map 1S128DD, on Tax Lot 300. The site is zoned Urban Standard Density (R-7), and is approximately 32 acres in size.

**1. BDR2001-0090: Type III Design Review**

This request for the Board of Design Review to approve modifications to existing softball fields includes grading the site to improve drainage of the fields, removing six trees, and realigning the existing backstops. The decision for action shall be based upon the approval criteria listed in Section 40.10.15.3.C.

**2. TPP2001-0005: Tree Preservation Plan**

This request for approval of a Tree Preservation Plan (TPP) to remove six significant trees is part of the proposal to modify existing softball fields. The decision for action shall be based upon the approval criteria listed in Section 40.75.15.1.C.3.

Mr. Osterberg presented the Staff Reports and briefly described the separate but interrelated applications for the Southridge High School Softball Fields, observing that the only Condition of Approval for the Tree Preservation Plan provides for the adoption of the recommendations of the arborist. Concluding, he

recommended approval of both applications and offered to respond to any questions or comments.

Mr. Lemon expressed his opinion that the subject matter of the Facilities Review Conditions had bled over into the Tree Preservation Plan.

Mr. Osterberg agreed that this conclusion could easily be reached.

**APPLICANT:**

**DOYLE ANDERSON**, representing *W & H Pacific*, introduced Jim Lynch of the Beaverton School District, and described the purpose of this project. Observing that there has been no opportunity for the girls at Southridge High School to play softball since construction of the school, he noted that this project is an attempt to improve the drainage and improve the safety of the fields.

**JIM LYNCH**, representing the Beaverton School District, requested clarification of Facilities Review Condition of Approval E-2, regarding a boilerplate, which was recommended by Mr. Harrison. He expressed his opinion that this Condition of Approval is both costly and unnecessary.

Mr. Osterberg advised Mr. Lynch that he is not certain how to respond, noting that these were included in the Facilities Review and that there had not been any objection at that time. He pointed out that if the boilerplate simply does not apply to the application, the applicant should discuss the situation with the City Engineer.

**PUBLIC TESTIMONY:**

On question, no member of the public appeared to testify regarding these applications.

On question, staff had no further comments at this time.

The public portion of the Public Hearing was closed.

Mr. Straus **MOVED** and Mr. Beighley **SECONDED** a motion for the approval of BDR 2001-0090 – Southridge High School Softball Fields Modifications Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated August 2, 2001, including recommended Conditions of Approval Nos. 1 through 5.

The question was called and the motion **CARRIED**, unanimously.

Mr. Straus **MOVED** and Mr. Beighley **SECONDED** a motion for the approval of TPP 2001-0005 – Southridge High School Softball Fields Modifications Tree

Preservation Plan, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated August 2, 2001, including recommended Condition of Approval No. 1.

The question was called and the motion **CARRIED**, unanimously.

**MISCELLANEOUS BUSINESS:**

The meeting adjourned at 10:27 p.m.